

Notice of Allowability

Application No.

10/090,340

Examiner

Paul Marcantoni

Applicant(s)

JIANG, CHONGJUN

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/8/05 filing of RCE.
2. ☒ The allowed claim(s) is/are 1,2,4-6,9-27,29-36, and 93-145.
3. ☒ The drawings filed on 04 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


PAUL MARCANTONI
PRIMARY EXAMINER
GROUP 1703


Art Unit: 1755

The following is an examiner's statement of reasons for allowance:

The examiner agrees with the applicants' arguments that their instantly claimed invention is patentably distinct over the closed prior art (Lecture et al. '743). Lecture et al. do teach adding CSH (calcium silicate hydrate) as a "slurry" but not as a *powder*. Even though applicants state that their invention can be added as either a powder or slurry (see [0020] of page 5 of applicants' specification) and be equally effective, Lecture et al. teach away from adding CSH in the form of a powder. Lecture et al. teach in column 3, line 61, characteristic c that it is in the form of an aqueous suspension and that it is necessary to use the CSH product in aqueous suspension because "drying" (in other words forming a powder) would result in reagglomeration of the fine particles and a "loss in effectiveness" of the accelerating agent". Since it causes reagglomeration and especially a loss of effectiveness, Lecture et al. teach away from applicants teaching that either a powder or slurry is equally effective. Lecture et al. teach only that a slurry is effective and thus applicants limitation that the CSH is added as a "powder" is patentably distinct over Lecture et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquiries can be directed to Paul Marcantoni at 571-272-1373.



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